

REMARKS

Applicant previously admitted on the record that the claims of Groups II and III are not patentable over the elected claims of Group I. Applicant again respectfully requests withdrawal of the restriction requirement and consideration of the claims of Groups II and III together with the claims of Group I. MPEP 808.02.

Applicant again points out that claims 76-85 originally were included in "Group I." See Paper No. 10. At some point, the examiner withdrew claims 76-85 from consideration. If for some reason the examiner does not reinstate all of the pending claims in response to the admission made above, Applicant requests reinstatement of at least claims 76-85, as part of the original Group I.

The claims have been amended to correct a misspelling of "moieties" in several places.

Response to Claim Objections**Objection to claims 9-14**

The examiner contends that claims 9-14 are of improper dependent form for failure to further limit the subject matter of a previous claim.

Response

In fact, claims 9-14 do further limit previous claims. Claim 1 is directed to functionalized zirconium oxide particles which "**comprise**" a "complexed fraction." The word "comprise" is understood in the art to be an open-ended term, which would not exclude

other forms of hydroxyl groups besides the “complexed fraction.”¹ Claim 1 does not define how much of the “total quantity of hydroxyl groups” are in the “complexed fraction.” Claims 9-14 limit claims 1-6 in defining how much of the “total quantity of hydroxyl groups” are in the “complexed fraction.” In particular, claims 9-14 specify that “said complexed fraction of hydroxyl groups comprises substantially all of said total quantity of hydroxyl groups.”

Applicant respectfully requests that the objection to claims 9-14 be withdrawn.

Objection to claims 21-26, 33-38, and 125-127

The foregoing amendments clarify that claims 21-26, 33-38, and 125-127 have been canceled.

Previous amendments

The amendments specifying that the respective fractions referred to in the claims were inherent in the claims as originally submitted.

The term “complexed fraction” was defined in the specification: **The present invention maximizes the “complexed fraction” of the total quantity of surface hydroxyl groups, or the fraction of the total quantity of surface hydroxyl groups that are functionalized.**” Specification, p. 3, ll. 4-7. The specification also defined what was meant by “reactive groups,” referred to in the claims as the “reactive portion”:

Hydroxyl groups that are accessible to and complex with functionalities having a variety of both high steric hindrances and low steric hindrances are herein defined as “reactive groups.” Hydroxyl groups that are accessible only to functionalities having low steric hindrance are herein defined as “less reactive groups.”

¹ This fact is further evidenced by claim 7, which specifies that the “complexed fraction of hydroxyl groups is about 50% or more of said total quantity of hydroxyl groups.”

Specification, p. 3, ll. 15-18. Because of the foregoing definitions in the specification, the amendment required by the examiner--e.g., to specify that the "complexed fraction," the "reactive portion," etc., referred to hydroxyl groups-- was not necessary to render the claims definite or for any other reason. However, since the amendments did not narrow the claims, but merely made express what was already inherent in the claim, Applicant amended claims.

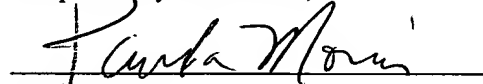
The application is ready for substantive examination.

CONCLUSION

For all of the foregoing reasons, Applicant respectfully requests entry of the amendments and consideration and allowance of all of the pending claims, including those previously withdrawn due to the restriction requirement. Applicant also requests, again, that the Form 1449 attached to the response to second office action be made of record.

The Commissioner is hereby authorized to charge any fees in connection with this response, or to credit any overpayment, to Deposit Account No. 50-0997 maintained by Paula D. Morris & Associates, P.C.

Respectfully submitted,



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